

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CCFI COMPANIES, LLC, *et al.*, :
Plaintiffs, : Case No. 3:24-cv-220
v. : Judge Thomas M. Rose
WENDY SPICHER, in Her Official Capacity : Magistrate Judge Peter B. Silvain, Jr.
as Secretary of the Pennsylvania Department :
of Banking and Securities, :
Defendant.

**ENTRY AND ORDER DENYING PLAINTIFFS CCFI COMPANIES, LLC AND
TITLEMAX OF OHIO, INC.’S EXPEDITED OPPOSED MOTION FOR
EXPEDITED BRIEFING (DOC. NO. 12)**

Pending before the Court is the Plaintiffs CCFI Companies, LLC and TitleMax of Ohio, Inc.’s Expedited Opposed Motion for Expedited Briefing (“Motion”) (within Doc. No. 12) filed by Plaintiffs CCFI Companies, LLC (“CCFI”) and TitleMax of Ohio, Inc. (“TitleMax Ohio”) (collectively “Plaintiffs”). Plaintiffs seek an expedited briefing schedule on its Motion for Preliminary Injunction, contained within the same motion as the present request. (*See* Doc. No. 12.)

As relevant background, TitleMax Ohio was a credit service organization that operated in Ohio from 2014 to 2017. (Doc. No. 12 at PageID 106.) CCFI is a holding company that employs people for the benefit of its affiliates. (*Id.* at PageID 107.) One of CCFI’s parent companies acquired TitleMax Ohio’s parent company in 2023. (*Id.*) Defendant Wendy Spicher is the Secretary of the Pennsylvania Department of Banking and Securities (“Defendant”). (*Id.* at PageID 108.) On June 14, 2024, Defendant served an Order to Show Cause (“OSC”) on Plaintiffs seeking

\$52.7 million in civil penalties and restitution under two Pennsylvania statutes relating to the loaning of money. (*Id.* at PageID 108-09, 112.)

Plaintiffs seek an expedited briefing schedule on its preliminary injunction, which seeks an order barring Defendant from pursuing, enforcing, or continuing the OSC related proceedings. (*Id.* at PageID 94-95.) As part of the OSC, Plaintiffs—pursuant to an agreed extension by the Parties—are required to file an answer on September 14, 2024. (Doc. No. 14 at PageID 199.)

Plaintiffs filed the present Motion on September 25, 2024 (Doc. No. 12) and Defendant filed her opposition on September 30, 2024 (Doc. No. 14). The Court held a status conference on the record by telephone on September 30, 2024, where both Parties were given the opportunity to argue the Motion.

After consideration of the briefing and the argument of counsel, the Court does not see any need to expedite the briefing schedule. Plaintiffs argue that they are faced with the prospect of either attending and validating the proceedings or risking a default judgment by refusing to answer. In Plaintiffs view, even engaging in the administrative process laid out under Pennsylvania law is a violation of their Constitutional Rights.

A review of the relevant portions of the Pennsylvania code clearly demonstrates that, “[a] respondent may also file with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on the face of the complaint.” 1 Pa. Code § 35.54. Plaintiff has an opportunity to lodge its concerns regarding Constitutional and jurisdiction defects before the administrative body. Moreover, Plaintiff fails to point the Court to a date certain where it may have a final determination made against, barring its own refusal to engage in the process.

In short, the Court is not convinced there is any emergent need to deprive Defendant of a fair opportunity to respond to Plaintiffs preliminary injunction. Plaintiffs will have the opportunity

to protect their interests in the Pennsylvania administrative proceedings, while the Parties brief the issues at play in the preliminary injunction.

Consequently, the Parties will abide by the response periods set forth in S.D. Ohio Civ. R. 7.2(a)(2). Therefore:

- Defendant shall file her opposition on or before **October 16, 2024**;
- Plaintiffs shall file their reply on **October 30, 2024**; and,
- Preliminary injunction hearing shall be held before this Court at **9:30 am on November 18, 2024**.

DONE and **ORDERED** in Dayton, Ohio, this Tuesday, October 1, 2024.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE